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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/685,708	10/16/2003	Hyun-kwon Chung	1793.1081	6768

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EXAMINER	
THOMAS, JASON M	
ART UNIT	PAPER NUMBER
2423	
MAIL DATE	DELIVERY MODE
11/13/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/685,708	CHUNG ET AL.	
	Examiner	Art Unit	
	Jason Thomas	2423	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 July 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *16 October 2008* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☒ Certified copies of the priority documents have been received in Application No. 10/685,701.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

1. Claims 1-9 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

   In light of applicant's specification: pg. 15, para. 71, the claimed "information storage medium" could be identified as a carrier wave, which includes data in a modulated data signal or other transport mechanism, based on the specification. As such, it is neither a process, ("actions"), machine, manufacture nor composition of matter (i.e., a tangible "thing") and therefore dose not fall within one of the four statutory categories of section 101.

Response to Arguments

2. Applicant's arguments, see pgs. 2-5, filed July 7th, 2008, with respect to the rejections of claims 1-9 under 35 U.S.C. Section 103(a), have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new grounds of rejection is made in view of Lamkin et al., U.S. Pat. No. 7,346,920 B2, Hirose et al., U.S. Pat. No. 6,973,619 B1, Perlman et

al., U.S. Pat. No. 6,141,693 and Hodgkinson, U.S. Pre- Grant Pub. No. 2002/0126142 A1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-4 and 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lamkin et al., U.S. Pat. No. 7,346,920 B2, (hereinafter Lamkin), in view of Hirose et al., U.S. Pat. No. 6,973,619 B1, (hereinafter Hirose), and Nielsen, U.S. Pat. No. 5,897,644, (hereinafter Nielsen).

Regarding claim 1: Lamkin discloses an information storage medium comprising: Audio and/or video data; and a markup document to play the audio and/or video data in an interactive mode (see [col. 5, ll. 44-59], [col. 7, ll. 62-67] for a information storage medium which comprises audio/video data and a markup document to enable a more interactive and personalized experience when playing the DVD-Video/Audio).

Lamkin however does not teach wherein the markup document includes device-aspect-ratio information, and the device-aspect-ratio information is referenced to display the markup document.

Hirose teaches gathering information which describes a device used to display visual information (terminal or device with screen) to provide criteria for the display of a markup document (see [cols. 3-4, ll. 20-3], [col. 12, ll. 7-26] for obtaining information about the attributes of a terminal which include the screen size, aspect ratio and number of colors).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to reference information used to describe a device used to display markup information, as taught in Hirose, when providing a storage medium which contains markup information to add an interactive and personalized experience, as taught in Lamkin, because due to the use differing terminal devices such as PDAs, PCs, TVs or other types of devices with varying sizes used to receive and display markup documents, there is a need for outputting markup documents in a form adapted to the various attributes of each unique device (see [col. 1, ll. 1-16]).

Hirose however does not teach including information used for the display of a markup document within the markup document.

Nielsen teaches a markup document which includes aspect ratio information within the document (see [cols. 6-7, ll. 63-12] for attributes within a HTML markup which define an aspect ratio).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to include an aspect ratio within the markup document, as taught in Nielsen, when providing a means of determining how to best output a

markup document where the determination is made based on the display attributes, as taught in Hirose, because this is another way to have information available within the markup document to reference such that a determined can be made, based on display device information, regarding the proper output of the markup document (see [col. 7, ll. 47-53]).

Regarding claim 2: The combined teachings of Lamkin, in view of Hirose and Nielsen, teach the information storage medium of claim 1, wherein the device-aspect-ratio information is information on an aspect ratio of a target display device intended to display the markup document in the interactive mode (see [col. 3, ll. 42-67], [col. 12, ll. 7-26], [col. 1, ll. 1-16] where the aspect ratio information is that of a terminal device such as a PDA, PC, TV set, etc.).

Regarding claim 3: The combined teachings of Lamkin, in view of Hirose and Nielsen, teach the information storage medium of claim 1, wherein the device-aspect-ratio information is information on an aspect ratio of a target display device intended to display the markup document in the interactive mode (see [instant claim 2] for rejection citations) according to a design of a markup document maker (see Nielsen [abstract], [col. 3, 29-37] for maintaining a page layout similar to that of the original).

Regarding claim 4: The combined teachings of Lamkin, in view of Hirose and Nielsen, teach the information storage medium of claim 1, wherein the device-aspect-ratio information is written in the markup document using a

property of a tag (see Nielsen [col. 7, ll. 1-12] for aspect ratio information referenced using a tag).

4. Claims 1-4 and 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lamkin, in view of Hirose, Nielsen and Perlman et al., U.S. Pat. No. 6,141,693 (hereinafter Perlman).

Regarding claim 7: The combined teachings of Lamkin, in view of Hirose and Nielsen, teach the information storage medium of claim 1, wherein the device-aspect-ratio information is instruction information to transform a information into a markup picture with a predetermined aspect ratio, the source markup picture being obtained from the markup document (see Hirose [fig. 12], [abstract], [col. 2, ll. 59-63] for a method for generating control information to display a markup document in a form adapted to a display device with a pre-defined aspect ratio; see also Nielsen [abstract], [cols. 10-11, ll. 57-4] where markup image source within the markup document is transformed according to the markup document transformation instructions).

The combined teachings however do not explicitly teach where a markup picture is transformed.

Pearlman teaches conversion (transformation) of a video stream or video file which requires modifying the scale and aspect ratio to conform to the hardware and software capabilities of the video display device (see [col. 6, ll. 30-42], [cols. 8-9, ll. 55-2]).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to transform video data from a media stream according to an aspect ratio best suited for a video display device, as taught in Perlman, when having gather information on the aspect ratio of a display device, as taught in Hirose, because sometimes it's necessary to rescale a video image in one or both dimensions in order to conform the video image optimally to a particular type of display device (see [cols. 8-9, ll. 55-2]).

Regarding claim 8: The combined teachings of Lamkin, in view of Hirose, Nielsen and Perlman, teach the information storage medium of claim 1, wherein the device-aspect-ratio information is instruction information to transform a source markup picture into a markup picture that has an aspect ratio of 4:3 or 16:9 (see Hirose [fig. 12], [abstract], [col. 2, ll. 59-63], [col. 3, ll. 59-67] for displaying a markup picture in a form adapted to a terminal's aspect ratio which can be 4:3, 16:9 in addition to other common aspect ratios; see also Perlman [col. 6, ll. 30-42], [cols. 8-9, ll. 55-2] for a transformation process).

5. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lamkin, in view of Hirose, Nielsen and Markel, U.S. Pat. No. 7,162,697 B2, (hereinafter Markel).

Regarding claim 5: The combined teachings of Lamkin, in view of Hirose and Nielsen, do not teach discloses the information storage medium of claim 1, wherein the markup document further includes information on a resolution of the markup document.

Markel teaches the inclusion of resolution information in a markup document (see [27], [abstract], [3], [6], for a canvas attribute which describes the resolution in pixels).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to include resolution information, as taught in Markel, with the device-aspect-ratio information as taught in the combined teachings of Lamkin, in view of Hirose and Nielsen, because providing the resolution information within the markup document will enable a presentation platform to be capable of determining what functions may be optimized or enhanced (see [22]).

Regarding claim 6: The combined teachings of Lamkin, in view of Hirose Nielsen and Markel, teach the information storage medium of claim 5, wherein the device-aspect-ratio information and the resolution information are written in the markup document using a property of a tag (see Markel [27] for a resolution attribute, Nielsen [col. 7, ll. 1-12] for referencing attributes using a tag).

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lamkin, in view of Hirose, Nielsen, and Hodgkinson, U.S. Pre- Grant Pub. No. 2002/0126142 A1, (hereinafter Hodgkinson).

Regarding claim 9: The combined teachings of Lamkin, in view of Hirose Nielsen and Hodgkinson, teach the information storage medium of claim 1, wherein: the markup document further includes embedding information (see Hodgkinson [4], [5], [26] for embedding AV data in a markup document), and the embedding information is referenced to embed the video data with respect to the

markup document in the interactive mode (see Nielsen [col. 7, ll. 1-12] where information embedded in the markup document is used for the display of the document).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Thomas whose telephone number is (571) 270-5080. The examiner can normally be reached on Mon. - Thurs., 8:00 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Koenig can be reached on (571) 272-7296. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

J. Thomas

/Andrew Y Koenig/
Supervisory Patent Examiner, Art Unit 2423